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May 16, 1958

W. Russell Hilliard, Director
Aeronautics Commission
Concord Airport
Concord, New Hampshire

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CONCORD, N.H.

Dear Mr. Hilliard:

This is in reply to your letter of May 8, 1958 in which you state that your office has requested the construction of an office building at the Concord Airport in the capital budget for the next biennium. You further advise that a proposed method of financing this project has been suggested as follows:

"That the capital expenditure be paid from the funds appropriated by Chapter 319, Laws of 1957 without regard for the provisions of 319:1 requiring matching funds and providing for repayment."

From your letter and our subsequent telephone conversation we understand your specific inquiries would be :

1. Can this project be undertaken under the provisions of Chapter 319, Laws of 1957 in its present form?
2. If not, could said Chapter 319 be amended to provide for this expenditure?

Our answer to your first question is in the negative. Laws of 1957, 319:1 provides in part as follows:

"The sum of three hundred thousand dollars is hereby appropriated to be expended as needed by the aeronautics commission (1) for the purpose of equal matching of town funds for the development of airports with federal aid under the federal aid airport program or (2) for equal matching of town funds for the development of airports, as defined under the Federal Aid Airport Program by state contributions not in excess of five thousand dollars."

C O P Y

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W. Russell Williard, Director
Aeronautics Division

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The above quoted language clearly manifests a legislative intent that the funds so appropriated be expended solely for the purpose of equal matching of town funds. Accordingly, it is our opinion that expenditure of all or a part of any of said funds for an office building at the Concord Airport without regard to the purpose of matching town funds is unauthorized.

Our reply to your second question is in the affirmative. Although it is our view that the construction of an office building at the Concord Airport has no relation to the purposes of Chapter 319, Laws of 1957 in its present form a subsequent legislature could, if it saw fit, so amend said chapter to provide for the use of all or some part of the funds appropriated for the erection of an office building.

Very truly yours,

George T. Ray, Jr.
Assistant Attorney General

GTR,Jr - g.